

HON. RICARDO S. MARTINEZ

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

UNITED STATES OF AMERICA, *ex rel.*  
AHMED BASHIR,

Plaintiff,

v.

THE BOEING COMPANY, et al.,

Defendants.

CASE NO. 2:19-cv-00600-RSM

**RELATOR'S RESPONSE TO ORDER  
TO SHOW CAUSE**

RESPONSE TO SHOW CAUSE ORDER  
Case No. 2:19-cv-00600-RSM

18 WEST MERCER ST., STE. 400 **BARNARD**  
SEATTLE, WASHINGTON 98119 **IGLITZIN &**  
TEL 800.238.4231 | FAX 206.378.4132 **LAVITT LLP**

Pursuant to the Court's July 27, 2021 Order to Show Cause [Dkt. #36] (the "**Order**"), Relator, Ahmed Bashir ("**Relator**"), hereby submits his short and plain statement advising the Court why this matter should not be dismissed for failure to prosecute, and respectfully shows:

Shortly after the United States declined to intervene, Relator's counsel moved to withdraw which this Court granted on April 16, 2021 [Dkt. #28]. By Order dated March 5, 2021, the Court directed Relator to serve Defendants [Dkt. #25]; however, Relator's prior counsel, for reasons unknown by Relator, did not request the Clerk of the Court issue summons prior to their withdrawal. Thus, once the Court granted the withdrawal of Relator's prior counsel, Relator had no way to serve Defendants without impermissibly prosecuting this case *pro se*.<sup>1</sup> Relator experienced hardship finding substitute counsel who did not have a conflict and who was prepared to take on this case. This is a complex, document-intensive case, which requires substantial time to digest the multitude of factual and legal issues involved. This includes multiple in-person meetings to fully comprehend the subject matter of this case. The ongoing difficulties of the COVID-19 pandemic further complicated this process. However, the undersigned counsel have now been engaged, entered appearances [Dkt #41], and stand ready to fully prosecute this matter.

In this respect, Relator recently filed its Praecipes to Issue Summons [Dkts. #38-40] and began the process of serving Defendants The Boeing Company ("**Boeing**"), Jerry T. Dunmire ("**Dunmire**"), and Mohammad Hamad A. Al Zeer ("**MAZ**"). Relator successfully served Boeing on August 13, 2021 [Dkt. #47] and is in the process of serving Dunmire at his new address. There have been roadblocks to serving Defendants MAZ and GDC Technics, LTD ("**GDC**").

First, Relator has made numerous attempts to serve MAZ at all known addresses, but it appears MAZ has fled the United States and returned to Saudi Arabia.<sup>2</sup> In light of this recent development, Relator will likely need to serve MAZ pursuant to FED. R. CIV. PROC. 4(f)—which

<sup>1</sup> *Stoner v. Santa Clara County Office of Educ.*, 502 F.3d 1116, 1127 (9th Cir. 2007).

<sup>2</sup> MAZ is the Managing Director of GDC, is believed to have denuded most of what remains of an insolvent GDC, and is now a significant target of the Creditors in the GDC Bankruptcy Proceeding (as defined *infra*).

will take additional time. While Relator is sensitive to the Court's concerns, FED. R. CIV. PROC. 4(m) accounts for how difficult and time-consuming foreign service can be. Second, Relator did not submit a Praecipe to Issue Summons for GDC, as litigation against GDC is subject to an automatic stay in light of GDC's petition for bankruptcy relief filed on April 26, 2021 that is currently pending before the Western District of Texas, San Antonio Division.<sup>3</sup> Relator cannot serve GDC without running afoul of the automatic stay. However, Relator will be filing a Proof of Claim against GDC in the Bankruptcy Proceeding on August 18, 2021 and will be filing a Notice of Suggestion of GDC's Bankruptcy in this Court. The Bankruptcy Proceeding has also contributed to the delay of the prosecution of this case because, in addition to the automatic stay, Relator has had to determine whether he also needs Texas counsel and how the prosecution of this case may be impacted by GDC's Bankruptcy Proceeding in Texas.

In sum, the complex nature of this case, in conjunction with COVID and the GDC Bankruptcy Proceeding, made it difficult for Relator to find appropriate counsel to prosecute this very significant case. Relator has been diligent, not dilatory, in doing so. Relator is now prepared to fully and expeditiously prosecute this action to its conclusion. For the above reasons, the Court should not dismiss this matter for failure to prosecute.

Dated: August 17, 2021.

**BARNARD IGLITZIN & LAVITT LLP**

/s/ Darin M. Dalmat

Darin M. Dalmat, WSBA No. 51384

/s/ Sarah Derry

Sarah Derry, WSBA No. 47189

18 West Mercer Street, Suite 400

Seattle, WA 98119

Telephone: (206) 257-6028

Facsimile: (206) 378-4132

dalmat@workerlaw.com

derry@workerlaw.com

**CRAWFORD, WISHNEW & LANG PLLC**

By: /s/ Trey Crawford

**Trey Crawford** (*admitted pro hac vice*),

Texas State Bar No. 24059623

**Dave F. Wishnew** (*admitted pro hac vice*)

Texas No. 24052039

**Michael J. Lang** (*pro hac vice to be filed*)

Texas State Bar No. 24036944

**Cameron E. Jean** (*pro hac vice to be filed*)

Texas State Bar No. 24097883

1700 Pacific Ave, Suite 2390, Dallas, Texas 75201

**ATTORNEYS FOR RELATOR**

<sup>3</sup> See *In re GDC Technics, LLC*, Cause No. 21-50484-cag Doc. 1 (W.D. Tex. Apr. 26, 2021) (the "*Bankruptcy Proceeding*"); 11 U.S.C. § 362.